

TOWN OF ARLINGTON ZONING BOARD OF APPEALS

LETTER OF APPLICATION FOR COMPREHENSIVE PERMIT pursuant to M.G.L. Ch. 40B, §§ 20-23

APPLICANT: HOUSING CORPORATION OF ARLINGTON
SUBJECT PROPERTY: 20 Westminster Avenue, Arlington¹
(Assessor Map 60, Parcel 6, Lots 7 & 8)
PROJECT NAME: 20 Westminster

APPLICATION AND NARRATIVE DESCRIPTION

APPLICATION:

Preface: Pursuant to the Zoning Board of Appeals of the Town of Arlington Comprehensive Permit Rules Regulations Section 3.0, this Application and Narrative is submitted herewith as the application for a Comprehensive Permit.

This is an application pursuant to M.G.L. Chapter 40B, § 21 for a Comprehensive Permit for property located at 20 Westminster Avenue located in the Town of Arlington.

The proposed project consists of the conversion of the one existing building on site into nine (9) rental dwelling units, one hundred (100%) percent of which will be affordable to households earning sixty percent (60%) or less of the Area Median Income in accordance with applicable state regulations and guidelines. Three of the units will be handicap accessible units. The proposed conversion does not seek to increase the building footprint, and will not alter the exterior appearance in any significant manner.

The applicant, Housing Corporation of Arlington (“HCA”), has a long history of providing, assisting and managing affordable housing in the Town of Arlington. HCA purchased the first of its two-family houses in 2001. By 2005, HCA owned and operated fourteen two-family dwellings, serving twenty-eight low-income families. Over the next four years, HCA focused on purchasing and improving apartment buildings, providing one- and two-bedroom units for smaller households. This effort generated six properties and twenty-eight new units of affordable rental housing in Arlington. Most recently, with the lease up of 32 units at Capitol Square

¹ Also addressed as 26 Westminster Avenue (Map: 60-6-7) and 0 Lowell Street (Map: 60-6-8) on Town of Arlington Assessors records and GIS informational site.

Apartments, HCA owns and manages ninety units of affordable rental housing in the Town of Arlington.

INTRODUCTION: M.G.L. Chapter 40B, §§ 20-23 (“the statute”):

Under M.G.L. Chapter 40B, when there is a substantial need for low and moderate income housing in a community, the statute essentially creates a state mandate to local cities and towns to allow the construction of low and moderate income housing that requires relief from otherwise applicable local requirements and regulations, including but not limited to zoning bylaws, subdivision rules and regulations, and local regulations that exceed state requirements under the Wetlands Protection Act and Title 5. A Zoning Board of Appeals can insist on full compliance with local requirements and regulations only if they are, in the words of the statute, “consistent with local needs.” Local requirements and regulations will be considered “consistent with local needs” if they are reasonable, taking into account the “regional need for low and moderate income housing considered with the number of low income persons in the city or town affected and the need to protect the health or safety of the occupants of the proposed housing or of the city or town, to promote better site and building design in relation to the surroundings, or to preserve open space” and if they outweigh the regional need for affordable housing.

The statute goes on, in §20, to define certain minimal thresholds of low or moderate income housing that, if not attained in a city or town, could cause the local rules and regulations to automatically be treated as not consistent with local needs unless the Town can prove that the planning, health, and safety concerns outweigh the regional housing need. The Town of Arlington falls short of the threshold minima; the percentage required in terms of number of units is 10%, the Town of Arlington has 5.6% (1,121 units out of a total of 19,881 total units) based on the Massachusetts Department of Housing and Community Development (“DHCD”) Subsidized Housing Inventory for the Town of Arlington, December 5, 2014, (*attached hereto*) and none of the other regulatory Safe Harbors have been met. Therefore, the mandate created by the statute to create affordable housing does apply to Arlington. In fact, when the statutory minima are not met, there is a legal presumption that there is a substantial regional housing need that outweighs local concerns. 760 CMR 56.07(3)(a).

The proposed development will bring nine (9) much needed affordable rental opportunities to the community in a reuse of an existing building. The Applicant believes, for all the reasons hereinafter set forth, that the project meets all of the requirements for a Comprehensive Permit under the statute, that it will be a benefit to the Town of Arlington, and that a Comprehensive Permit should be issued.

STANDING AND STATUS:

The Applicant meets the jurisdictional requirements of the Commonwealth of Massachusetts Comprehensive Permit Regulations (described below) and has standing before the Zoning Board of Appeals, based on the following:

a) Non-Profit Organization

The Applicant, Housing Corporation of Arlington (“HCA”), is a Massachusetts Chapter 180 non-profit corporation and a 501(c)(3) tax-exempt charitable organization and is an eligible Applicant for a Comprehensive Permit pursuant to the statute, and the regulations, 760 CMR 56.04(1)(a).

b) Control of the Land

HCA is the owner of the subject property as shown on copy of Quitclaim Deed from 20 Westminster Ave., LLC to Housing Corporation of Arlington dated April 10, 2014 and recorded in the Southern Middlesex District Registry of Deeds in Book 63480, Page 470, *a copy of the deed is submitted herewith*. Thus, the Applicant has control of the land, as required by the regulations, 760 CMR 56.04(1)(c).

c) Project Eligibility

The applicant has received a Project Eligibility / Site Approval Letter (“PEL”) dated October 17, 2015 from MassHousing as Project Administrator under the New England Fund Program of the Home Loan Bank of Boston (“NEF”) that confirms the project’s eligibility and suitability of the site. A copy of the PEL is submitted herewith. Therefore, the Applicant fulfills the requirement of 760 CMR 56.04(1)(b), which states: “The project shall be fundable under a subsidizing agency under a low and moderate income subsidy program”. See 760 CMR 54.04(1), which states that compliance with the project eligibility requirements shall be established by issuance of a written determination of Project Eligibility by the Subsidizing Agency.

DESCRIPTION OF THE PROPERTY:

The project site is a sharply sloped triangular shaped lot consisting of 17,862 s.f. ± of land area located between Westminster Avenue to its north and Lowell Street to its south culminating to the east at a narrow tip at the intersection of both roadways. The site is located in a Residential R1 Single Family Zoning District. The site is also located in the Mount Gilboa/Crescent Hill Historic District.

There is an existing structure on site built in 1950 consisting of approximately 8,226 s. f. The building is currently leased to a church based child day care and jointly to the Arlington and Belmont High Schools as exercise room for their crew teams.

PROPOSED PROJECT:

The proposed project is the conversion of an existing structure into nine (9) rental dwelling units, all of which will be affordable to households earning sixty percent (60%) or less of the Area Median Income in accordance with applicable state regulations and guidelines. The dwelling units will consists of one (1) studio apartment of approximately 255 square feet; five (5) one bedroom units of approximately 660 square feet; two (2) two bedroom units of approximately 864 square feet; and one (1) three bedroom unit of approximately 1,064 square feet. The rents are shown in the attachments to this Narrative.

The proposed conversion will not increase the building footprint, and will not alter the exterior appearance in any significant manner. The building area will be increased to 9,408 square feet. This additional 1,182 square feet will be achieved by reclaiming the square footage from a crawl space on the north side of the first floor level. The two main entrances into the building, the lower being located off of Lowell Street and the upper at 20 Westminster Avenue, will remain and all dwelling units will be through these two entrances.

The building is currently served by municipal water and sewer which will continue to serve the project.

Appliances, lighting fixtures, range hoods and bathroom fans shall be Energy Star qualified. Plumbing fixtures shall be water-conserving type. Heating and cooling will be provided by high-efficiency air source heat pumps located in separate utility closets within each apartment unit. To mitigate sound transfer between apartment units, acoustical batt insulation shall be provided in the partitions between and floors above each apartment unit. The air conditioning condensers will be located on the roof and will be high-efficiency and low-noise units.

Parking:

The existing building and existing and former uses of the property operated with no on-site parking and the proposal does not include adding parking to the site. As stated above, the site is a sharply sloping triangular shaped site and due to the overall steepness of the gradient in two directions coupled with the property lines converging to a point, the three-sided site does not easily lend itself to further development. (*See Site Photos submitted herewith*) Also, there are several large trees which the Applicant believes the Town would like to see retained, one of which is in the widest and most usable part of the site closest the building.

This makes incorporating the twelve parking spaces required by the Arlington Zoning Bylaws nearly impossible.

Further, the Applicant believes that the urban location with proximity to mass transit (a bus stop is located less than 100 feet away at Park Ave.) and shopping make it feasible for the project to not have on-site parking spaces. HCA has contacted numerous prospective tenants who have indicated that they do not need a parking space. In addition, HCA has excess parking spaces unused at each of its other apartment properties. Based on the above, HCA is proposing to retain the site as is without on-site parking.

Lot Coverage:

As no on-site parking is proposed and the proposed project is simply a conversion of an existing building, there will be no increase in lot coverage of the existing developed site. Actually, with the redesign of the walks and other concrete surfaces, there will be a slight reduction in impervious lot coverage as shown on the Tabulation of Lot Area Coverage and Unit Tabulation attached hereto. Thus, given the fact that the impervious area will be reduced, there will be no additional stormwater burden.

COMMUNITY IMPACT:

The surrounding neighborhood consists of a mix of uses including a mix of residential single, two-family and multi-family dwellings. Commercial uses are located along Park Avenue and Massachusetts Avenue. There is a seventeen acre parcel of conservation land located to the north of Westminster Avenue and is within walking distance to Reservoir beach and other recreational uses. The site is located close to shopping facilities, restaurants, churches, professional offices, a gym, government offices, an elementary school and other employment opportunities. The site is located approximately one and half blocks from the bus stop at the intersection of Massachusetts Avenue and Park Avenue which is serviced by three bus lines. The site is also one-half block away from the Minuteman Bike Path entry.

COMPLIANCE WITH MASTER PLAN and OPEN SPACE PLAN:

The proposed project is consistent and in harmony with the goals of the Arlington Master Plan as it provides affordable housing options of a range of incomes, ages, family sizes, and needs. Additionally as the project is a conversion of an existing building, it preserves the “streetcar suburb” character and meets the goal of renovating existing structures with little or no impact on existing infrastructure provided housing opportunities in harmony with an existing walkable neighborhood.

Therefore, this conversion of an existing building into nine affordable rental dwelling units will fit nicely into this walkable neighborhood located near commercial enterprises, employment, and public transit and would be an asset to the Town of Arlington.

REQUESTED RELIEF FROM LOCAL BY-LAWS, RULES AND REGULATIONS:

See Requested Waivers list submitted herewith.

The Applicant also requests that waivers be granted from any requirements to apply to the Town or other municipal Boards or departments, including but not limited to the Public Works Department, Water Department, Board of Health, Board of Selectmen, Planning Board and the Historic District Commission, if normally required; and the Applicant requests that the Comprehensive Permit be issued in lieu of all of the aforementioned permits, inclusively, including but not limited to the permits and approvals to connect to the municipal sewer system and water system (please note that the Applicant will comply with all technical requirements related to the municipal sewer system and water system).

If in the course of the hearings it is determined that there are other local by-laws, rules and regulations that would otherwise be applicable to this development that have not been requested in this application, the Applicant reserves the right to so amend the Requested Waivers.

CONCLUSION:

In addition to all of the above, it is important to note that HCA presently has 1,000 households on its waiting list for apartments, which shows how strong the need is for affordable rental units in Arlington. As shown on the Tabulation of Lot Coverage and Unit Tabulation, the rents will be affordable for persons earning up to sixty (60%) percent of the Area Median Income and truly affordable. For all the above reasons, the Applicant respectfully submits that the relief requested should be granted and that a Comprehensive Permit should be issued as requested in the Application.

Dated: November 3, 2015

Housing Corporation of Arlington

By: _____

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